

B1 *Contd* *C1*
said first surface wherein said elongated element encircles said device thereby exposing said opening or openable portion.

Sub *C1*
12. (twice amended) A method for removeably affixing a liquid-containing device having an opening or openable portion to a magnetic accepting surface comprising of encircling said device with an essentially elongated wrap element formed with two attachable overlapping ends thereby leaving said opening or openable portion exposed, said wrap element having an outer surface with a magnetic means portion or magnet imbedded therein or attached thereto, and mounting said wrap element in combination with said device to said magnetic accepting surface.

Sub *C1*
17. (amended) An improved holder as set forth in claim 1 wherein said opening or openable portion provides a drinking portion.

REMARKS

The Examiner has rejected claims 1-11 and 14-17 pursuant to 35 U.S.C. § 112, first paragraph, on grounds that they contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to make and/or use the invention on grounds that there is no basis for the phrase "a functional portion" for the device. The Examiner has also rejected claims 1-11 and 14-17 pursuant to 35 U.S.C. § 112, second paragraph, as indefinite because of this phrase. Applicant has amended the claims to replace the phrase with "opening or openable portion" to overcome these rejections. Support for the amendment is found on page 2, lines 1-6 and lines 12-15; and in figures 7a and 7b. No new matter is added. Accordingly, reconsideration is respectfully requested.

The Examiner has rejected claims 12 and 13 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent 5,791,608 to Nielsen *et al.* ("Nielsen") on grounds that the device shown in Nielsen